STATUTORY APPENDIX

The predecessor of current section 25-2-118 was first enacted at Bannack in 1864, the same year the Organic Act was passed establishing Montana as a territory. That section read as follows:

> Sec. 20. In all other cases, the action shall be tried in the county in which the parties, or some of them, resided at the commencement of the action; or, if none of the parties reside in the Territory, the same may be tried in any county which the plaintiff may designate in his complaint, subject, however, to the power of the court to change the place of trial as provided in this act.

Acts, Resolutions and Memorials of the Territory of Montana, Title II § 20 (1864).

After intervening minor revisions and recodifications, the statute is now codified as follows:

> Residence of defendant. Unless otherwise specified in this part:
>
> > (1) except as provided in subsection (3), the proper place of trial for all civil actions is the county in which the defendants or any of them may reside at the commencement of the action;
> >
> > (2) if none of the defendants reside in the state, the proper place of trial is any county the plaintiff designates in the complaint;
> >
> > (3) the proper place of trial of an action brought pursuant to Title 40, chapter 4, is the county in which the petitioner has resided during the 90 days preceding the commencement of the action.

MCA § 25-2-118.